

STATUTORY AUTHORITIES**I. INTRODUCTION**

The following list of federal and state legislation and regulations provides the basic statutory authority to enter into this agreement. This list is not intended to be all inclusive.

II. FEDERAL LEGISLATION AND REGULATIONS**A. National Environmental Policy Act of 1969, as amended**

1. 23 CFR 771, Environmental Impact Statements and Related Procedures
2. 33 CFR Parts 230 and 325, Environmental Quality; Procedures for Implementing NEPA
3. 40 CFR Parts 1500-1508, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

B. Sections 401, 402 & 404 of the federal Water Pollution Control Act (Clean Water Act) of 1972, as amended

1. 33 CFR Parts 320 through 330, Regulatory Programs of the Corps of Engineers.
2. 40 CFR Part 230 Guidelines for Specifications of Disposal Sites for Dredged or Fill Material.

C. Section 10 of the Rivers and Harbors Act of 1899, as amended**D. Section 106 of the National Historic Preservation Act of 1966, as amended**

1. 36 CFR Part 800: Protection of Historic Properties

E. Section 7 of the Endangered Species Act of 1973, as amended**F. Marine Mammal Protection Act****G. Section 301, 303 and 307 of the Federal Coastal Zone Management Act of 1972, as amended and Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990.****H. Section 2 of the Fish and Wildlife Coordination Act**

- I. Section 1424(e) of the Safe Drinking Water Act
- J. Clean Air Act, as amended.
- K. Fish and Wildlife Act of 1956
- L. Section 4(f) of the Department of Transportation Act of 1966
- M. Other applicable federal regulations
 - 1. Executive Order 11990, Protection of Wetlands
 - 2. Executive Orders 11998 and 121148, Flood Plain Management
 - 3. Boldt Decision on Usual and Accustomed Hunting and Fishing Grounds

III. STATE LEGISLATION AND REGULATIONS

- A. Chapter 43.21C RCW State Environmental Policy Act (SEPA)
 - 1. State Environmental Policy Act Rules WAC 197-11
 - 2. Transportation Commission and Transportation Department State Environmental Policy Act Rules WAC 468-12
- B. Chapter 75.20.100 RCW Hydraulic projects or other work - Plans and Specifications - Approval - Criminal Penalty - Emergencies

Hydraulic Code Rules WAC 220-110
- C. Chapter 77.16.210 RCW Fishways to be provided and maintained
- D. Chapter 77.12.655 RCW Habitat buffer zone for bald eagles - rules
- E. Chapter 90.48 RCW Water Pollution Control

Water Quality Standards for Surface Waters of the State of Washington
WAC 173-201A
- F. Chapter 90.58 RCW Shoreline Management Act of 1971

Adoption of Designations of Wetlands Associated with Shorelines of
the State WAC 173-22

G. Other applicable state regulations:

1. Governor's Executive Order 81-18, revised in 1985 directs Ecology to be the state coordinator responsible for issuance of all state Water Quality Certifications under Section 401 of the federal Clean Water Act. Under the same Executive Order, Ecology is responsible for the state's response on other activities under the federal Clean Water Act, National Environmental Policy Act (NEPA), and SEPA.
2. Governor's Executive Order 89-10 and 90-04, Protection of Wetlands